UNITED
NATIONS

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Security Council

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GENERAL

S/22872
1 August 1991

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council the attached letter and plan, prepared by the Director-General of the International Atomic Energy Agency pursuant to paragraph 13 of Security Council resolution 687 (1991), for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of that resolution.

Annex

Letter dated 29 July 1991 from the Director-General of the International Atomic Energy Agency addressed to the Secretary-General

Pursuant to paragraph 13 of Security Council resolution 687 (1991), please find attached the plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of that resolution. I would appreciate it if you would submit this plan to the Security Council.

(Signed) Hans BLIX

Enclosure

Vienna
29 July 1991

Plan for future ongoing monitoring and verification of Iraq's compliance with its undertaking under paragraph 12 of Security Council resolution 687

As provided for in paragraph 13 of Security Council resolution 687, adopted on 3 April 1991, the Agency submits to the Security Council for its approval this plan for future ongoing monitoring and verification of Iraq's compliance with its undertaking under paragraph 12 of resolution 687.

In accordance with paragraph 12 of the resolution, Iraq is obliged:

- not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above;

- to submit to the Secretary-General and the Director-General of the IAEA within 15 days of adoption of the resolution a declaration of the locations, amounts and types of items specified above;

- to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the IAEA, with the assistance and cooperation of the Special Commission appointed by the Secretary-General in accordance with paragraph 9 (b) of the resolution;

- to accept, in accordance with the arrangements provided for in paragraph 13 of the resolution, urgent on-site inspection and the destruction, removal or rendering harmless, as appropriate, of such items; and

- to accept the plan referred to in paragraph 13 for the future ongoing monitoring and verification of its compliance with these undertakings.

Pursuant to paragraph 13 of resolution 687, the Director-General of the International Atomic Energy Agency was requested, with the assistance and cooperation of the Special Commission:

- to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission;

- to develop a plan for submission to the Security Council within forty-five days following adoption of the resolution calling for the destruction, removal, or rendering harmless as appropriate of the items proscribed under in paragraph 12 of the resolution;

- to carry out the plan within forty-five days following its approval by the Security Council; and

- to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of the resolution, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections to confirm that Agency safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Security Council for approval within 120 days of adoption of the resolution.

The plan for future ongoing monitoring and verification has had to be developed while the immediate on-site inspection is still ongoing, and while the plan for the destruction, removal or rendering harmless of proscribed items is still in an early stage of implementation. Despite nearly 1,000 inspection days and an extensive mapping of nuclear activities in Iraq, the Agency has not yet been in a position to come to a conclusion on a complete inventory of activities and items in Iraq relevant to the resolution. In view of this, the present plan is, of necessity, provisional in nature, and may need to be supplemented in the light of results of the current ongoing activities undertaken by the IAEA in Iraq. The plan consists of two phases as described below. The role of the Agency in both phases will be to monitor and verify Iraq's compliance with its obligations under resolution 687, and any other relevant obligations determined by the Security Council.

I. Current and near-term monitoring and verification

The first phase is characterized by monitoring and verification activities related to the identification of all items proscribed under the resolution and to the removal, destruction or rendering harmless of all such items. This phase continues to be governed for the purpose of monitoring and verification by the existing arrangements reflected in the exchange of letters between the Secretary-General and the Foreign Minister of Iraq dated 6 May 1991 and 17 May 1991 concerning the privileges and immunities relevant to the conduct of activities pursuant to Security Council resolution 687. It is expected that during this phase, the sanctions currently imposed on Iraq by the Security Council will continue to apply and that the Security Council will continue to closely monitor the situation. As a practical matter, Iraq's nuclear activities during this period will be limited in nature. At this time, it is not possible to determine the duration of the first phase.

II. Future long-term monitoring and verification

The second phase of this plan will be put into operation by decision of the Security Council upon completion of all the activities contemplated in the first phase. In accepting unconditionally Security Council resolution 687, as indicated above, the Government of Iraq undertook inter alia not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above. During this phase, it is proposed, the IAEA will monitor and verify Iraq's compliance with these obligations.

The undertakings by Iraq under the resolution necessarily limit the nuclear activities otherwise open to Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In particular, reprocessing, enrichment and the possession of nuclear-weapons-usable material, and all related activities, are proscribed under the terms of Security Council resolution 687. The permissibility of Iraq's carrying out other nuclear activities is to a large measure dependent upon the position of the Security Council with regard to the continuation of sanctions.

The resolution does not define the term "nuclear-weapons-usable material". Nuclear-weapons-usable material or, as it is referred to in the practice of the Agency, direct-use material, is understood for the purposes of this plan to mean nuclear material which can be used for the manufacture of nuclear explosive components without transmutation or further enrichment. This includes plutonium containing less than 80 per cent plutonium-238, uranium enriched to 20 per cent or more U-235 (high-enriched uranium) and uranium-233. Chemical compounds, mixtures of direct-use materials (e.g. mixed oxide) and plutonium contained in spent nuclear fuel also fall in this category. For the purposes of the plan, and in view of the fact that Iraq will be prohibited from having reprocessing capability, the proscription against the possession of nuclear-weapons-usable material would not be interpreted as precluding the possession of plutonium in spent fuel resulting from the use of low-enriched uranium as fuel in a research or power reactor. To include such material in the proscription would necessitate the removal from Iraq of irradiated uranium enriched to 10 per cent which, in light of the small quantities of plutonium in the spent fuel, may not be cost-effective in relationship to the non-proliferation benefit.

The obligation not to acquire or develop any subsystems or components or any research, development, support or manufacturing facilities related to nuclear-weapons-usable material would preclude all activities relevant to or connected with reprocessing of irradiated fuel and isotopic enrichment of uranium. This proscription would extend to any research and development activities directed at reprocessing and isotopic enrichment technologies, as well as laboratory-, pilot- and industrial-scale facilities. This would also preclude conversion preparatory for reprocessing or for enrichment.

The undertaking not to acquire or develop nuclear weapons or any subsystems or components or any research, development, support or manufacturing facilities related to nuclear weapons would include items or components that could significantly contribute to or that are intended for use in the development or production of nuclear weapons. Certain dual-use items may be necessary for the conduct of permitted nuclear activities in Iraq in the future. The Agency's activities under the plan will include identification of such dual-use items and monitoring or verification of the use of such items.

General provisions

Under article II of the NPT, Iraq has an obligation not to acquire nuclear weapons or other nuclear explosive devices. The safeguards agreement with the Agency is designed to verify that nuclear material in peaceful nuclear activities is not diverted to such use. Iraq's undertakings under paragraph 12 of Security Council resolution 687 are broader in scope than any non-proliferation undertaking previously verified by the International Atomic Energy Agency. The plan for monitoring and verifying Iraq's compliance with those obligations will have to be commensurate with the scope of the undertakings and be so designed as to create confidence that the restrictions accepted by Iraq are actually complied with. This requires a more comprehensive approach than heretofore applied by the Agency.

Resolution 687 notes that the actions required of Iraq, including those relevant to nuclear weapons and nuclear-weapons-usable material, represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction. The terms of any such zone would have to be negotiated between the parties to such an arrangement. Nevertheless, verification features envisaged in the present plan may be found of interest in future discussions about verification in such a zone.

The plan is based on the following premises:

(a) The verification and monitoring activities contemplated in the plan will be carried out by the IAEA in accordance with detailed modalities to be developed by the Agency.

(b) All nuclear material, facilities and installations, as well as equipment and non-nuclear material which, in the judgement of the IAEA, is relevant to Iraq's undertaking under the resolution, shall be subject to monitoring and verification. The items subject to monitoring and verification will be identified to Iraq by the IAEA. This list of items may be added to or modified from time to time by the IAEA.

(c) While the approaches and techniques to be used under the plan draw upon the Agency's safeguards experience, the scope and intensity of the verification and monitoring under this plan are much greater in order to satisfy the requirements of Security Council resolution 687. These measures may be administered and operated by a special Secretariat unit.

(d) The safeguards agreement concluded with Iraq pursuant to the NPT shall continue to be in force. The verification activities pursuant to this plan will be carried out in a manner that takes into account the safeguards activities required under the safeguards agreement.

(e) In accordance with articles IX and VII of the Agreement Governing the Relationship between the United Nations and the International Atomic Energy Agency,* the Agency will report on the implementation of the plan to the Security Council at its request, and to any subsidiary organ that the Council may designate (i.e., the Special Commission or its successor).

(f) The activities under the plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of the resolution (nuclear) will be closely coordinated with the monitoring and verification activities relevant to Iraq's compliance with paragraph 10 of the resolution (chemical, biological and missile), and with the body designated by the Security Council to carry out these activities (i.e., the Special Commission or its successor).

(g) Financing of the verification and monitoring activities by the Agency in Iraq under the present plan will be secured by the United Nations.

Obligations of Iraq

Iraq shall provide to the Agency, and maintain current, the following:

(a) An inventory of all nuclear material in Iraq, including nuclear material containing uranium or thorium which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, and notification to the Agency one month in advance of any change in the inventory; the inventory and any changes thereto shall include quantity, form, composition, location and use of such material.

(b) An inventory of all facilities and installations, as well as equipment and non-nuclear material relevant to Iraq's undertaking, and notification one month in advance of any change in the inventory; the inventory and any changes thereto shall include quantity, form and composition of such items, where applicable, as well as the location and use of all items on the inventory.

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* Article IX provides that the Agency "shall cooperate with the Security Council by furnishing to it at its request such information and assistance as may be required in the exercise of its responsibility for the maintenance or restoration of international peace and security."

Article VII provides inter alia that, "At the invitation of the Security Council, the Director-General may attend its meetings to supply it with information or give it other assistance within the competence of the Agency."

(c) Complete design information for any planned nuclear facility or installation 180 days before the start of construction of any such facility or installation.

(d) Information on Iraq's nuclear programme one year in advance and any changes to that programme before they are made.

(e) Other information or data which the Agency requires to enable it to monitor Iraq's compliance with resolution 687 and any other relevant Security Council resolutions.

Obligations of other States

Paragraphs 24, 25 and 27 of Security Council resolution 687, inter alia, direct States not to provide to Iraq any of the items proscribed in paragraph 12 of that resolution. In addition to that proscription, all States should be required by the Security Council to provide the Agency, one month in advance, with full and complete reporting of intended exports to Iraq of nuclear material, facilities, equipment, technological information, including training, and any other relevant items, including non-nuclear materials which could be used in proscribed activities. The IAEA will submit to the Security Council a list of items the export of which should be subject to advance reporting.

Rights of the IAEA

Without prejudice to the rights which the Agency has under the safeguards agreement with Iraq and under the Agreement on the Privileges and Immunities of the IAEA, the Agency should have the following rights to the extent deemed necessary by the Agency to enable it to carry out its verification and monitoring activities under the resolution. These rights are similar to those contained in the exchange of letters between the Secretary-General of the United Nations and the Government of Iraq dated 6 May 1991 and 17 May 1991 concerning privileges and immunities relevant to the conduct of activities pursuant to Security Council resolution 687.

(a) The right, on its own initiative or at the request of the Security Council or any body established or designated by it (i.e., the Special Commission or its successor), to carry out inspections of any locations or facilities in Iraq.

(b) The right to full and free access at any time to all locations, all persons and all information which, in the Agency's judgement, may be necessary for the verification of Iraq's undertaking. This includes unimpeded access to all nuclear material, facilities and installations, as well as equipment and non-nuclear material relevant to Iraq's undertaking, and the right to conduct unannounced inspections and inspections upon short notice. This also includes the right of the Agency to restrict and/or stop movement of suspected material and equipment.

(c) Freedom of entry and exit to and from Iraq without delay of Agency personnel and experts, supplies and equipment. No visas shall be required of such personnel travelling on a United Nations laissez-passer and possessing an inspection assignment document.

(d) Freedom of movement within Iraq of Agency personnel and experts, supplies and equipment.

(e) The right to request, receive, examine and copy any record, data or information and examine, retain, move or photograph, including videotape, any item relevant to the Agency's monitoring and verification activities.

(f) The right to install equipment and construct facilities for observation, testing, verification or monitoring activities.

(g) The right to take and analyse samples relevant to the Agency's monitoring and verification activities, as well as to remove and export samples for off-site analysis.

(h) The right to have its own means of transport and communication and the right to unrestricted communication by telephone, telegraph, radio or other means.

(i) The right to use fixed wing and helicopter overflights throughout Iraq for the purposes of inspection, surveillance, transportation and logistics.

Duration

The duration of the verification and monitoring plan established under Security Council resolution 687 shall be decided by the Security Council.

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GENERAL ASSEMBLY
Forty-sixth session
Item 29 of the provisional agenda*
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Forty-sixth year

Letter dated 1 August 1991 from the representatives of the Islamic Republic of Iran and of Pakistan to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we have the honour to enclose herewith the joint declaration of a meeting held at Islamabad on 29 and 30 July 1991 between the Foreign Minister of the Islamic Republic of Iran, the Secretary General Foreign Affairs of the Islamic Republic of Pakistan and the leaders of the Afghan Mujahedin parties (see annex).

It would be highly appreciated if the text of this letter and its annex could be circulated as an official document of the General Assembly, under item 29 of the provisional agenda, and of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative of the
Islamic Republic of Iran to the
United Nations

(Signed) Shaukat UMER
Acting Permanent Representative
of Pakistan to the United Nations

* A/46/150.

ANNEX

Joint Declaration

(Islamabad, 30 July 1991)

The Foreign Minister of the Islamic Republic of Iran, His Excellency Dr. Ali Akbar Velayati and the Secretary General Foreign Affairs of the Islamic Republic of Pakistan, His Excellency Mr. Akram Zaki, held a joint tripartite meeting in Islamabad with the leaders of the Pakistan and Iran-based Afghan Mujahideen parties, on 29 and 30 July 1991. The Joint meeting hailed the glorious Jehad of the valiant Afghan people against foreign occupation, their great sacrifices including more than one and half million martyred and the resolute support to the cause of the Jehad by the Islamic Nations and the international community. The leaders of the Afghan Mujahideen parties expressed deep appreciation and gratitude for the support of the Jehad and for the generous hospitality extended to more than five million Afghan refugees by Iran and Pakistan on their soil.

The meeting emphasized the pursuit of a just peaceful settlement of the Afghanistan problem that restores the Islamic identity and the independent, sovereign and non-aligned character of Afghanistan. The Afghan people must be able to choose their own form of government without outside intervention or pressure. Conditions should be created for the voluntary return of the Afghan refugees to their homes in safety and honour. Such a settlement alone will bring peace to Afghanistan and strengthen security and stability of the entire region, necessary for progress and development of the brotherly peoples of the three countries.

The meeting welcomed the growing cooperation between the Islamic Republic of Iran and the Islamic Republic of Pakistan for a just peaceful settlement of the Afghanistan problem, consistent with the objectives of the Afghan Jehad and aspirations of the Afghan people. The Islamic Republic of Iran and the Islamic Republic of Pakistan agreed to make joint efforts to mobilize international support for the cause of peace and for a just solution of the Afghanistan problem. The meeting also emphasized the special importance of the role that the Islamic countries have in achieving these objectives.

The meeting emphasized the need for unity among all Islamic and patriotic Afghan forces who supported the Afghan Jehad, to promote peace and to work for a just solution of the Afghanistan problem.

The meeting noted with appreciation the efforts of the United Nations Secretary-General for the solution of the Afghanistan problem. While emphasizing the observance of the Islamic principles, the meeting recognized positive elements in the five-point statement by the United Nations Secretary-General. The statement could serve as a possible basis for a settlement for the Afghanistan problem. Therefore, the statement could be further studied and, after any necessary clarifications, could be considered

for a comprehensive solution acceptable to the people of Afghanistan. Any solution for the Afghanistan problem should lead to the replacement of the present illegal Government in Kabul and the establishment of an elected Islamic Government acceptable to the people of Afghanistan.

In the spirit of the noble Jehad and deeply conscious of the great sacrifices rendered by the valiant Afghan people and the immense tragedy and hardship suffered by them, the leaders of the Afghan Mujahideen parties reaffirmed their resolve to continue efforts for peace and for a just solution of the Afghanistan problem. They reaffirmed their committment to respect for life and property of all Afghans and to the reconstruction of their homeland ravaged by foreign occupation and conflict. They envisaged future Afghanistan to be Islamic, non-aligned, an abode of peace and an important contributor to tranquillity and stability of the region, committed to a policy of mutual friendship and cooperation with its neighbours.

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1 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 31 JULY 1991 FROM THE PERMANENT REPRESENTATIVE OF NEW ZEALAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The New Zealand Permanent Representative to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his Note SCPC/7/91(4-1) of 3 July 1991 in which he sought information on measures instituted by the New Zealand Government in pursuance of paragraph 4 of Security Council resolution 700 (1991).

Following the adoption by the Security Council of resolution 687 (1991), New Zealand passed revised regulations (the United Nations Sanctions (Iraq) Regulations 1991) which maintain fully the implementation in New Zealand law of United Nations sanctions on Iraq. These new regulations, which replace those implemented in 1990 in pursuance of resolutions 661 and 670, include a new provision which implements in specific terms the prohibitions in relation to weapons technology, training and technical support services contained in paragraph 24 of resolution 687.

The prohibitions contained in these regulations, as well as the Guidelines approved in resolution 700, have been drawn to the attention of relevant New Zealand agencies.

A copy of the revised regulations is attached for the Secretary-General's reference.*

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* The text of the revised regulations may be consulted in room S-3520.

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1 August 1991

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NOTE VERBALE DATED 1 AUGUST 1991 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Acting Permanent Representative of Brazil to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to Note SCPC/7/91(4-1) of 3 July 1991, has the honour to inform that the Government of Brazil strictly abides by the prohibitions against the sale or supply of arms to Iraq, in conformity with the relevant resolutions of the Security Council.

The Government of Brazil has issued Decree No. 99441 of 7 August 1990 (document S/21476 of 9 August 1990) concerning mandatory compliance with resolution 661 (1990) and acts strictly in accordance with the provisions of subsequent resolutions on this subject, including in particular the obligations set out in paragraph 24 of resolution 687 (1991). Bearing in mind the guidelines approved by resolution 700 (1991), an interministerial commission is currently in charge of proposing adjustments to the existing national regulations on the export of arms and related matériel.

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S/22876
1 August 1991

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NOTE VERBALE DATED 1 AUGUST 1991 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRELAND TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Charge d'affaires a.i. of Ireland to the United Nations presents his compliments to the Secretary-General of the United Nations, and with reference to his Note SCPC/7/91/4-1 of 3 July 1991, has the honour to transmit to the Secretary-General the following information on the implementation of paragraph 4 of Security Council resolution 700 (1991).

1. The export from Ireland of arms and other military equipment, and related material as outlined in paragraph 24 (a) of resolution 687 is prohibited under the control of Exports Act 1983 and the Nuclear Energy Order 1977 save under licence issued by the Minister for Industry and Commerce. The Government of Ireland has determined that no such licence will be issued in respect of the export of arms and other military equipment and related "material" to Iraq. The Customs and Excise Service is responsible for ensuring that the prohibition on the exportation of these items to Iraq is fully enforced.

2. The prohibition of the supply of non-financial services outlined in paragraph 24 (d) of resolution 687, is covered in Ireland by Statutory Instrument No. 262 of 1990 which gives full effect to Council Regulation (EEC) No. 3155/90 of 29 October 1990 which extended and amended Council Regulation (EEC) No. 2340/90 of 8 August 1990 on the prohibition of trade with Iraq, and provides penalties for infringement.

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Security Council

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S/22877
2 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 1 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF LIECHTENSTEIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Principality of Liechtenstein to the United Nations presents her compliments to the Secretary-General of the United Nations and, with reference to paragraph 4 of Security Council resolution 700 (1991), has the honour to inform the Secretary-General of the following:

Liechtenstein laws and regulations fully meet the obligations set out in resolution 687 (1991), including paragraph 24. The guidelines adopted by Security Council resolution 700 (1991) also fall within the scope of the Liechtenstein legislation.

In accordance with the Princely decree of 10 August 1990, Liechtenstein strictly abides by the prohibitions against the sale or supply of arms to Iraq.

In addition to the aforementioned decree, the Liechtenstein Diet (parliament) recently passed legislation relating to trade with foreign States, which entered into force on 25 July 1991. These new regulations provide the basis upon which for reasons of external security and the safeguarding of interests externally, legal and business transactions with foreign States can be prohibited or limited.

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S/22878
2 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 1 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF THE NETHERLANDS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Kingdom of the Netherlands to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to his note of 3 July 1991 has the honour to transmit the following information on the implementation by the Government of the Netherlands of paragraph 4 of Security Council resolution 700 (1991).

The laws and regulations of the Kingdom of the Netherlands fully meet the obligations set out in Security Council resolution 687 (1991), including paragraph 24, in Security Council resolution 700 (1991), as well as in the previous relevant mandatory decisions by the Council.

The Government of the Netherlands complies strictly with the arms embargoes agreed upon within the framework of the United Nations as adherence to these embargoes is one of the main criteria the Government of the Netherlands uses for its arms export policy. The legal basis for these criteria is provided by the Import and Export Act of 1962 and the Decree of 1963 concerning the Export of Strategic Goods, which implements the aforementioned Act. Sanctions are provided for in the event of transgression of these statutory provisions.

Promotion of the international rule of law is a central aim of this legislation and has been qualified by the Netherlands Constitution as a major responsibility of the Government.

It should be noted that arms exports to Iraq have been banned by the Government of the Netherlands since 1980, as one of the other main criteria of the Netherlands arms export policy concerns a ban on arms exports to areas of potential conflict.

Furthermore, the following more specific regulations were adopted, in order to implement the Security Council resolutions and the European Community regulations based upon these resolutions:

- The import and export regulation Iraq-Kuwait of 9 August 1990. This regulation was amended on 2 March 1991 and finally replaced by the Import and Export Decree concerning Iraq, of 18 March 1991.

- The sanctions decree on services Iraq-Kuwait, of 14 January 1991, which covers those elements of paragraph 24 of resolution 687 (1991) that are not covered by the other statutory provisions and regulations of the Netherlands.

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S/22879
2 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 1 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Socialist Federal Republic of Yugoslavia to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to His Excellency's note of 3 July has the honour to inform him of the following.

By complying fully with the articles of Security Council resolution 661 (1990), the Yugoslav Government reached a decision on 9 August 1991 to implement strictly the sanctions contained therein. These sanctions include the cessation of arms and military equipment supplies to Iraq. This decision is still in force and encompasses the obligations under paragraph 24 of resolution 687 (1991). The decision of the Government of Yugoslavia will remain in effect until the Security Council sanctions against Iraq are abolished.

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S/22880
2 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 31 JULY 1991 FROM THE PERMANENT MISSION OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Italy to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his Note SCPC/7/91(4-1) of 3 July 1991 in which he sought information on measures instituted by the Italian Government in pursuance of paragraph 4 of Security Council resolution 700 (1991), has the honour to inform that immediately after the invasion of Kuwait by Iraq, Italy passed a law prohibiting the export of any goods to Iraq, which is still in force.

The granting of an exception to this prohibition is possible only in accordance with the provisions of Security Council resolution 687 (1991) for the export of foodstuff or other commodities for humanitarian purposes. Therefore, the prohibition to provide Iraq with weapons technology, training and technical support services is still fully in effect, in conformity with paragraph 24 of resolution 687.

91-24794 2557e (E)

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S/22881
2 August 1991
ENGLISH
ORIGINAL: SPANISH

Letter dated 1 August 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a letter dated 17 July 1991 addressed to you by the Minister for Foreign Affairs and Worship, Mr. Guido Di Tella, in response to the request in paragraph 4 of Security Council resolution 700 (1991) regarding the measures instituted for meeting the obligations set out in paragraph 24 of Security Council resolution 687 (1991).

Furthermore, I request that the text of this letter and its annex should be distributed as a document of the Security Council.

(Signed) Alfredo V. CHIARADIA
Chargé d'affaires a.i.

Annex

Letter dated 17 July 1991 from the Minister for Foreign Affairs and Worship of Argentina addressed to the Secretary-General

I have the honour to address you with reference to Security Council resolution 700 (1991), which in paragraph 4 requests all States to report within 45 days on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991).

The Argentine Government wishes to report that, through Decrees Nos. 1560 and 2067 of 1990, the sanctions against the Republic of Iraq stipulated in Security Council resolutions 661 and 670 (1990) were approved, enabling the national executive authority and the provincial authorities to adopt the measures required for compliance with the decisions taken in those resolutions.

In addition, it further informs you that by virtue of Acts Nos. 12,709 and 20,010 and Decree No. 1097 of 14 June 1985, legal exports of war matériel must receive prior approval from the Coordinating Commission for the Export of War Matériel. This Commission is composed of representatives of the Ministers of the Economy, Defence and Foreign Affairs.

The Commission in question has not received any application for the export of war matériel to Iraq since the arms embargo was imposed by the United Nations. Consequently, there is no record of the sale of war matériel to that country.

With regard to the export of nuclear materials, the policy of Argentina is to require international safeguards on a case-by-case basis. However, no application has been received for the export of nuclear materials to Iraq.

(Signed) Guido DI TELLA

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3 August 1991

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NOTE VERBALE DATED 31 JULY 1991 FROM THE PERMANENT MISSION OF THAILAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Note No. SCPC/7/91(4-1) of 3 July 1991, has the honour to inform the Secretary-General that Thailand strictly abides by the prohibitions against the sale or supply of arms to Iraq as contained in paragraph 24 of resolution 687 (1991).

Accordingly, the responsible authorities have been instructed to ensure the full compliance with the prohibitions, in accordance with Thai legislation in force, namely the Act on Export Control of Munition and Military Devices and the Royal Decree on Export Control of Munition and Military Devices.

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3 August 1991

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NOTE VERBALE DATED 1 AUGUST 1991 FROM THE PERMANENT MISSION OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note SCPC/7/91/4-1 of 3 July 1991, has the honour to transmit the following information on the implementation of paragraph 4 of Security Council resolution 700 (1991).

1. The Act on Prohibition of the Exportation of Military Equipment and Related Matters (1988:558), Section 2, prohibits export of military equipment without the permission of the Government of Sweden. It is an established policy that Sweden does not export arms to belligerent States or crises areas or areas where hostilities are likely to break out. No licences for export of military material to Iraq have been granted by the Government of Sweden since August 1990.

2. The Act concerning Prohibition of the Exportation of Certain Products which can be used for the Purpose of Mass Destruction (1991:341) gives the Government the right to control the export of equipment which can be used for manufacturing biological and chemical weapons and chemical precursors, as well as other dual-use items.

3. The Act concerning International Sanctions (1971:176) provides the Government with the authority to pass legislation based upon United Nations Security Council decisions or recommendations.

Consequently the Ordinance on Certain Sanctions against Iraq (1990:885) prohibits all export of commodities and products from Sweden to Iraq as well as measures and activities to promote prohibited acts.

UNITED
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Security Council

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1 August 1991

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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 4 OF SECURITY COUNCIL RESOLUTION 700 (1991)

1. On 17 June 1991, the Security Council adopted resolution 700 (1991) in connection with its consideration of the item entitled "The situation between Iraq and Kuwait". By that resolution the Security Council approved the Guidelines for facilitating full international implementation of paragraphs 24, 25 and 27 of resolution 687 (1991), which had been developed by the Secretary-General pursuant to paragraph 26 of the same resolution. 1/

2. Paragraph 4 of resolution 700 (1991) reads as follows:

> "The Security Council,
>
> ...
>
> "4. Requests all States, in accordance with paragraph 8 of the Guidelines, to report to the Secretary-General within 45 days on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991);".

3. Immediately following the adoption of resolution 700 (1991) on 17 June 1991, the Secretary-General transmitted the text of the resolution by telegram to the Minister for Foreign Affairs of Iraq.

4. By a note verbale dated 3 July 1991 the Secretary-General transmitted the text of resolution 700 (1991) as well as the text of his report (S/22660) to all other States, drawing their particular attention, inter alia, to paragraph 4 of the resolution and requesting them to submit by 1 August 1991 at the latest information on the measures instituted by their Governments for meeting the obligations set out in paragraph 24 of resolution 687 (1991). On the same day the Secretary-General also transmitted copies of resolution 700 (1991) and of his report (S/22660) to all international organizations.

5. As of 1 August 1991, replies have been received from 32 States, pursuant to paragraph 4 of resolution 700 (1991). Each of the replies has been issued as a document of the Security Council in the chronological order of receipt, as indicated below:

Norway	8 July	(S/22783)	Finland	29 July	(S/22860)
Israel	9 July	(S/22784)	China	29 July	(S/22866)
The Holy See	9 July	(S/22802)	Myanmar	30 July	(S/22861)
Hungary	12 July	(S/22801)	Australia	30 July	(S/22867)
France	16 July	(S/22800)	Austria	30 July	(S/22868)
Turkey	18 July	(S/22815)	Czechoslovakia	31 July	(S/22869)
Ecuador	23 July	(S/22851)	New Zealand	31 July	(S/22874)
Japan	24 July	(S/22835)	Italy	31 July	(S/22880)
Belgium	25 July	(S/22840)	Thailand	31 July	(S/22882)
United Kingdom	25 July	(S/22841)	Brazil	1 August	(S/22875)
Spain	25 July	(S/22842)	Ireland	1 August	(S/22876)
Malta	26 July	(S/22852)	Liechtenstein	1 August	(S/22877)
Greece	26 July	(S/22858)	Netherlands	1 August	(S/22878)
Sri Lanka	29 July	(S/22848)	Yugoslavia	1 August	(S/22879)
Singapore	29 July	(S/22849)	Argentina	1 August	(S/22881)
Chile	29 July	(S/22859)	Sweden	1 August	(S/22883)

Notes

1/ See the Secretary-General's report of 2 June 1991 (S/22660).

UNITED
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LETTER DATED 2 AUGUST 1991 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with a decision taken by the Governing Council of the United Nations Compensation Commission, at its tenth meeting, held on 2 August 1991, I have the honour to transmit the following for the information of the members of the Security Council.

The Governing Council of the United Nations Compensation Commission established by Security Council resolution 692 (1991), of 20 May 1991, held its first session at Geneva from 23 July to 2 August 1991.

At its fourth meeting, held on 25 July 1991, the Governing Council approved Guidelines for the conduct of its work (see annex I), a copy of which is attached. In accordance with paragraph 5 of its Guidelines, the Governing Council invited the representatives of Bangladesh, Iraq, Kuwait, Pakistan, the Philippines and Sri Lanka to address the Council and reply to questions put to them by the members.

At its ninth meeting, held on 1 August 1991, the Governing Council decided to hold informal consultations the week beginning 16 September 1991 and to convene its second session the week beginning 14 October 1991.

At its tenth meeting, held today, 2 August 1991, the Governing Council adopted the attached criteria for expedited processing of urgent claims, a copy of which is attached (see annex II). The criteria will be issued as a document of the Governing Council for general distribution (S/AC.26/1991/1).

At the same meeting, the Governing Council approved the proposals contained in a working paper submitted by the United States of America on arrangements for ensuring payments to the Compensation Fund

(S/AC.26/1991/WP.4/Rev.1), as orally revised. The text of that decision is contained in document S/AC.26/1991/2 of the Governing Council, which is being given general distribution (see annex III).

(Signed) Philippe J. BERG
President of the Governing Council
of the United Nations Compensation
Commission

Annex I

Guidelines for the conduct of the work of the Governing Council of the United Nations Compensation Commission

(Approved at the 4th meeting, held on 25 July 1991)

1. The mandate of the Governing Council is defined in the report of the Secretary-General pursuant to paragraph 19 of Security Council resolution 687 (1991) (S/22559). By paragraphs 3 and 5 of its resolution 692 (1991) the Security Council decided to establish the Fund and the Commission referred to in paragraph 18 of resolution 687 (1991) in accordance with section I of the Secretary-General's report, and directed the Governing Council to implement the provisions of section E of resolution 687 (1991), taking into account the recommendations in section II of the Secretary-General's report.

2. The Governing Council will hold its meetings in private but will open them to the public as and when it deems it necessary for the enhancement of the effectiveness of the Governing Council.

3. As provided for in paragraph 10 of the Secretary-General's report, decisions of the Governing Council on the method of ensuring that payments are made to the Fund should be taken by consensus. Other decisions will be taken by a majority of at least nine of its members. No veto will apply in the Governing Council.

4. As provided for in paragraph 10 of the Secretary-General's report, if consensus is not achieved on any matter for which it is required, the question will be referred to the Security Council on the request of any member of the Governing Council.

5. The Governing Council may invite States that it considers to have particular interest in its work to participate without a vote in its discussions. It may also invite members of the United Nations Secretariat or other persons to supply it with information or to give other assistance in examining matters within its competence.

6. Information on the work of the Governing Council will be made publicly available by the President when so decided in consultation with the members of the Governing Council.

7. The Governing Council will be provided with summary records of all its meetings in all official languages.

8. The success of the work of the Governing Council depends upon the cooperation of all States.

9. Prior to the close of each session, the Governing Council will decide on the dates and duration of its next session. In between sessions, if any member of the Governing Council or the Executive Secretary raises a matter

that requires prompt consideration by the Governing Council, the President will hold consultations with the members of the Governing Council and could decide to convene it. Members will be informed of the opening date of the session as well as the provisional agenda at least five days in advance.

10. The Governing Council will, on behalf of the Commission, report periodically to the Security Council.

Annex II

Criteria for expedited processing of urgent claims

1. The following criteria will govern the submission of the most urgent claims pursuant to resolution 687 (1991) for the first categories to be considered by the Commission. It provides for simple and expedited procedures by which Governments may submit consolidated claims and receive payments on behalf of the many individuals who suffered personal losses as a result of the invasion and occupation of Kuwait. For a great many persons these procedures would provide prompt compensation in full; for others they will provide substantial interim relief while their larger or more complex claims are being processed, including those suffering business losses.

2. These criteria are without prejudice to future Council decisions with respect to criteria for other categories of claims, which will be approved separately as promptly as possible, with expert advice from Commissioners as may be required.

3. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments to prepare consolidated claims submissions. It will probably be necessary for the Council to make further decisions on the processing of claims after receiving expert advice where needed.

4. Each Government may submit one or more consolidated claims for each category established by the Council. Thus, each Government may make separate consolidated submissions covering claims in each of the categories set forth below; and it may later submit separate consolidated claims for each additional category to be established by the Council.

5. The Council will promptly establish criteria for additional categories of claims, to permit consolidated submissions by Governments for all losses covered by paragraph 16 of resolution 687 (1991). Business losses of individuals may be part of consolidated claims under the expedited procedures set forth below. The Council will provide further advice on an urgent basis as to the types of business losses eligible for consideration under the expedited procedures. Business losses of corporations and other legal entities will be covered in other criteria to be established. The Council will also consider separately claims on behalf of third parties, such as Governments, insurance companies, relief agencies and employers, which have made payments or provided relief to persons suffering compensable losses.

6. The Council will consider promptly, after receiving expert advice, the circumstances in which claims for mental pain and anguish may be admitted, the amounts to be awarded, and the limits to be imposed thereon.

7. The Council will separately examine the question of the eligibility or otherwise of claims by or in respect of members of the allied coalition armed

forces of the Member States that cooperated with the Government of Kuwait; the Executive Secretary will have available, inter alia, the provisions of the relevant national legislation of the Governments concerned.

8. The Commission will process the claims in the initial categories in paragraphs 10 to 16 on an expedited basis. While decisions on the precise method of processing these claims will be made at a later stage, the following steps are contemplated. As the claims are received they would be submitted to a panel of Commissioners for review within a set time-limit. If, as expected, the volume of claims in these categories is large, the Commissioners would be instructed to adopt expedited procedures to process them, such as checking individual claims on a sample basis, with further verification only if circumstances warranted. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. To the extent necessary, the Council would seek expert advice (for example, on what constitutes serious personal injury) at any stage of the process.

9. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

PAYMENT OF FIXED AMOUNTS

10. These payments are available with respect to any person who, as a result of Iraq's unlawful invasion and occupation of Kuwait: (a) departed from Iraq or Kuwait during the period of 2 August 1990 to 2 March 1991; (b) suffered serious personal injury; or (c) whose spouse, child or parent died.

11. In the case of departures, $2,500 will be provided where there is simple documentation of the fact and date of departure from Iraq or Kuwait. Documentation of the actual amount of loss will not be required. Claims submitted under this procedure for departure from Iraq or Kuwait cannot be resubmitted for a greater amount in any other category. If the loss in question was greater than $2,500 and can be documented, it may instead be submitted under paragraph 14 and in other appropriate categories.

12. In addition, in the case of serious personal injury not resulting in death, $2,500 will be provided where there is simple documentation of the fact and date of the injury; and in the case of death, $2,500 will be provided where there is simple documentation of the death and family relationship. Documentation of the actual amount of loss resulting from the death or injury will not be required. If the actual loss in question was greater than $2,500, these payments will be treated as interim relief, and claims for additional amounts may also be submitted under paragraph 14 and in other appropriate categories.

13. These amounts are payable cumulatively where more than one situation applies with respect to a particular person. However, no more than $10,000 will be paid for death, and no more than $5,000 for departure, with respect to any one family (consisting of any person and his or her spouse, children and parents).

CONSIDERATION OF CLAIMS FOR UP TO $100,000 OF ACTUAL LOSSES PER PERSON

14. These payments are available with respect to death or personal injury, or losses of income, support, housing or personal property, or medical expenses or costs of departure, as a result of Iraq's unlawful invasion and occupation of Kuwait. The Commission will give expedited priority consideration to claims for such losses up to $100,000 per person.

15. (a) Such claims must be documented by appropriate evidence of the circumstances and the amount of the claimed loss. The evidence required will be the reasonable minimum that is appropriate under the circumstances involved, and a lesser degree of documentary evidence would ordinarily be required for smaller claims, such as those below $20,000.

(b) If the loss in question was greater than $100,000, claims for additional amounts may also be submitted in other appropriate categories. Criteria for the submission of claims in excess of $100,000 will be approved separately. Claims larger than $100,000 may be submitted in their entirety at a later date under those separate procedures, or the first $100,000 may be submitted at this time and the remainder separately.

16. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures, nor will costs of attorneys' fees or other expenses for claims preparation be compensated under this category. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

REQUIREMENTS APPLICABLE UNDER BOTH CATEGORIES

17. Claims will not be considered on behalf of Iraqi nationals who do not have bona fide nationality of any other State.

18. Claims must be for death, personal injury or other direct loss to individuals as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure from or inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

19. Claims will be submitted by Governments. Each Government will normally submit claims on behalf of its nationals; each Government may, in its discretion, also submit the claims of other persons resident in its territory. In addition, the Council may request an appropriate person, authority or body to submit claims on behalf of persons who are not in a position to have their claims submitted by a Government. Each Government shall make one or more consolidated submissions of all such claims for each category. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments the claims forms described below; and the Commission will thereupon give consideration to such claims as provided herein. The Council will consider at a later time the period within which all such claims must be submitted.

20. Each consolidated claim must include:

(a) A signed statement by each individual covered containing:

(i) His or her name and address, and any passport number or other identifying national number;

(ii) For claims under paragraph 14, the amount, type, and reason for each element of the loss, and any compensation, whether in funds or in kind already received from any source for the claim asserted;

(iii) Any documents evidencing the matters set forth in the definition of each category, as well as the items set forth in the preceding subparagraph; and

(iv) His or her affirmation that the foregoing information is correct, and that no other claim for the same loss has been submitted to the Commission;

(b) The affirmation of the Government submitting the claim that, to the best of the information available to it, the individuals in question are its nationals or residents, and the affirmation of the Government or of the person, authority or body as referred to in paragraph 19 that it has no reason to believe that the information stated is incorrect.

21. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of claims within each category, incorporating the above elements in a clear and concise

manner. Except as may otherwise be agreed between the Executive Secretary and the Government in question, claims will be submitted to the Executive Secretary by Governments or by persons, authorities or bodies as referred to in paragraph 19 on the standard form and must include the information in an official language of the United Nations. Each Government may adopt such procedures as it finds appropriate in preparing its consolidated claim. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments which may request it.

Annex III

Decision taken by the Governing Council of the United Nations Compensation Commission, at its 10th meeting, held on 2 August 1991

Arrangements for ensuring payments to the Compensation Fund

The elaboration of a system for ensuring payments to the Fund with respect to future Iraqi oil exports is too complex for adoption at the first session of the Governing Council. It is clear that the Governing Council will require adequate factual information to understand the pre-invasion and current oil situation and on options for holding revenues from Iraqi exports of petroleum and petroleum products. The Governing Council taking into account the decision of the Security Council, decides:

(a) To request the Executive Secretary, with the assistance of an expert in the oil trade, to report to the Governing Council by early September on the following: the legal, financial, market and other technical aspects of Iraq's pre-invasion oil trade; the quantity, quality and value of oil subject to paragraph 6 of Security Council resolution 692 (1991); the capacity of Iraq to resume oil exports, in what quantities, quality and time-frame, and the estimated value of resumed oil exports under various possible scenarios; the technical possibilities for monitoring Iraq's oil exports, including oil pipeline flows, metering, measurements at terminals (tank and/or flange), and the resources needed to implement various options;

(b) To request the Executive Secretary, with the assistance of an expert or experts in international financial transactions, and after contacting appropriate institutions, to report to the Governing Council by early September on options for holding and managing revenues from Iraqi exports of petroleum and petroleum products;

(c) To request a Working Group of Governing Council members, after consultation with an expert or experts in the oil trade and in related financial transactions, to meet in September to develop a proposal for a mechanism for ensuring payments to the Fund for presentation to the second session of the Governing Council in October. The Working Group would take into account the reports of the Executive Secretary and the experts' advice, as well as paragraph 19 of Security Council resolution 687 (1991) and the Secretary-General's report.